

## REMARKS

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Application as examined included claims 1-33, of which claims 30-33 are withdrawn. In the present response, claims 1, 8-17, 24 and 27-29 have been amended. Claims 2-7, 18-23 and 25-26 are unchanged. Claims 30-33 are cancelled.

Claim 15 is objected to because of informalities. Claim 15 has been amended to overcome the objection.

Claims 1-10 and 17-29 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully submits that the terms gas treatment, vacuum cooling and fumigation are well known in the art.

Claims 1-29 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1, 8, 11-12, 17, 24 and 27-28 to more clearly define the present invention in light of the Examiner's comments. Regarding the Examiner's comment concerning the sealing clause of claim 1, applicant respectfully submits that the sealing of the produce inside the bag, while leaving the bag aperture open, as recited in claim 1, refers to the step shown in Fig. 1G and described in the specification in reference thereto. As seen in Fig. 1G, the sealing refers to sealing the opening of the bag through which the produce was placed thereinto.

Claims 1, 3, 5, 7-8, 11-12, 17, 19-20, 23-25 and 27-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Esty (U.S. RE 28,892). Claims 2, 5-6, 18 and 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Esty (U.S. RE 28,892). Claims 8, 11-12, 16, 24 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Esty (U.S. RE 28,892) in view of Cabernoch et al. (U.S. 4,706,827). Claims 9-10, 13-15, 26 and 28-29 stand rejected under 35 U.S.C. 103(a) as

being unpatentable over Esty (U.S. RE 28,892) in view of Wu et al. (U.S. 5,575,418).

Esty describes a package for preserving perishable products including a container enclosed in a carton. Cabernoch et al describes a container and packaging arrangement employing a rigid outer sleeve and a flexible inner container. Wu et al describes a gas-permeable corrugated paperboard package system.

Applicant expresses appreciation to Examiner Steven Leff and Examiner Steven Weinstein for the courtesy of an interview, which was granted to Applicant's representative, Sanford T. Colb (Reg. No. 26,856). The interview was held in the USPTO on April 12, 2007. The substance of the interview is set forth in the Interview Summary.

At the interview, the claims were discussed vis-à-vis the prior art of record. The Interview Summary states, in relevant part, "Mr. Colb pointed out that the specification specifically defines 'bag' and that Esty's impermeable bag does not meet the definition. The Examiner will do a further search to see if the prior art teaches the aperture system of bag in container with the appropriately defined bag and if not found will reconsider the rejection."

As discussed at the interview, applicant respectfully submits that the controlled permeability bag, as recited in claims 1 and 17, is defined in the specification on page 1, lines 16-19, (paragraph 4 of the application as published), as a container for agricultural produce in which a 'Modified Atmosphere' condition is established by controlling the amounts and relationships of the appropriate gas components, which are required for extending the storage and shelf life of the agricultural product, for example agricultural produce, flowers and bulbs.

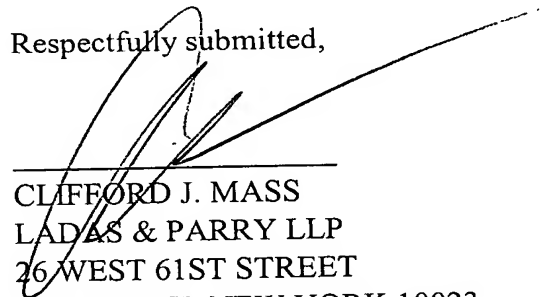
Applicant respectfully submits that Esty does not show or suggest a controlled permeability bag as recited in claims 1 and 17. Applicant submits that Cabernoch and Wu also do not show or suggest a controlled permeability bag as recited in claims 1 and 17. Applicant respectfully submits that the combination of Esty, Cabernoch and Wu also does not show or suggest a controlled permeability bag as recited in claims 1 and 17 and that claims 1 and 17 are therefore patentable.

Claims 2-16 depend from claim 1 and recite additional patentable matter and are therefore deemed to be allowable. Claims 18-29 depend from claim 17 and recite additional patentable matter and are therefore deemed to be allowable.

Applicant has amended claims 9, 10 and 14 to correct minor errors and to provide proper antecedent basis for all items claimed therein. Applicant has amended claims 13, 16 and 29 to provide proper antecedent basis for all items claimed therein in light of the amendments to claims 1 and 17. Claims 30-33 have been cancelled without prejudice.

In view of the foregoing remarks and amendments, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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